

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Mantena et al. Confirmation No.: 9009
Serial No.: 09/751,069 Group Art Unit: 2134
Filed: 12/29/2000 Examiner: Lipman, Jacob
Title: METHOD, SYSTEM AND PROGRAM PRODUCT FOR SYNCHRONOUS
COMMUNICATION BETWEEN A PUBLIC ELECTRONIC ENVIRONMENT
AND A PRIVATE ELECTRONIC ENVIRONMENT

CERTIFICATE OF ELECTRONIC TRANSMISSION

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Rosalind Q. Spiller

Date of Signature: February 13, 2007.

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Commissioner for Patents
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Dear Sir:

APPELLANTS' REPLY APPEAL BRIEF TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

This Reply Brief is being filed pursuant to 37 C.F.R. §41.41 in rebuttal to certain
characterizations and conclusions set forth in the Examiner's Answer having a mailing date of
December 14, 2006, for the above-designated Appeal. Thus, any Reply Brief is due by February
14, 2007. Therefore, this Reply Brief is being timely filed.

ARGUMENT

I. Rejection under 35 U.S.C. 102(b) over ERPNet (Dialog File 20, accession No. 02821200)

Against the claim 1 aspect of causing a reply to the communication to be produced within the private electronic environment in real time, the Examiner's Answer continues to cite to paragraphs 8 and 9 of ERPNet. Appellants submit that in ERPNet, the communication is an automobile order. For the convenience of the Board, Appellants quote paragraph 9 of ERPNet below:

ERPNet enables customers to monitor the flow of the entire four-city transaction and the speed of orders being placed. Through Candle's Roma Systems Manager, users can see a graphical depiction of their order/message from front end to back end. This end-to-end detail provides network managers with the ability to isolate slowdowns caused by problems with networked applications. In addition, Roma System Manager provides facilities for workload balancing and quality of service.

In particular, the Examiner's Answer alleges (bottom page 5 to top page 6) that paragraph 9 discloses a reply sent back to the user in the form of a status update. However, Appellants submit that a reply to an automobile order might be, for example, confirmation of the order, or delivery or notification of delivery of the automobile ordered. What is in paragraph 9 of ERPNet, however, is none of those things. Rather, what is disclosed is monitoring the flow of the order from the front end to the back end. Visualizing the description in paragraph 9, one can imagine a moving icon on a map, the icon representing the order traveling back to the factory.

Appellants submit that monitoring front-end-to-back-end flow of the automobile order is simply not a reply to the order, and certainly is not a reply within the meaning of claim 1.

Appellants submit that claim 1 uses the term "reply" in the sense of a response to the communication. See the specification at, for example, page 4, line 3, and the abstract. In contrast, Appellants submit that ERPNet discloses observing the one-way travels of an automobile order, rather than replying or responding to it.

Therefore, Appellants submit that claim 1 (and claims 29, 57 and 85) cannot be anticipated by ERPNet.

Against claims 3 and 4, the Examiner's Answer alleges that ERPNet discloses using middleware to communicate messages. However, neither claim recites simply using middleware to communicate messages. Rather, claim 3 recites messaging middleware causing the ERP application to produce the reply while the front end application and the messaging middleware wait therefore, and claim 4 recites that the causing further comprises causing by the messaging middleware a command to be issued to the ERP application to trigger production of the reply. As noted above, Appellants submit that ERPNet does not disclose a reply within the meaning of the claims, and there certainly is no disclosure regarding messaging middleware causing a command to be issued to the ERP application to trigger production of the reply. In short, merely mentioning middleware does not disclose the particular limitations of claims 3 or 4.

Therefore, Appellants submit that neither claim 3 nor claim 4 (nor corresponding claims 31, 59, 87, 32, 60 and 88) can be anticipated by, or made obvious over, ERPNet.

Against claims 10, 15 and 23, the Examiner's Answer alleges that ERPNet discloses the front end can include a browser over the Internet, citing to paragraph 6. However, again, none of these claims recite what is alleged, except that claim 23 includes the term "browser" in the preamble. Rather, claim 10 recites details regarding forwarding the communication from the hosting server to the messaging middleware, specifying a path through particular components of the messaging middleware; claim 15 recites generating, forwarding and returning a token identifier to/from particular messaging middleware components; and claim 23 recites details regarding the path of the communication to the ERP application, including forwarding to particular components of the messaging middleware. Appellants submit that none of the limitations of claims 10, 15 or 23 are disclosed in the cited section of ERPNet or ERPNet generally.

Therefore, Appellants submit that none of claims 10, 15 or 23 (nor related claims 38, 66, 94, 43, 71, 99, 51, 79 or 107) can be anticipated by, or made obvious over, ERPNet.

Against claim 11, the Examiner's Answer alleges that ERPNet discloses tracking the communication, citing paragraph 9. However, claim 11 does not recite tracking a communication. Rather, claim 11 recites generating, forwarding and returning a token identifier to/from particular messaging middleware components. Appellants submit that none of the limitations of claim 11 are disclosed in the cited section of ERPNet or ERPNet generally.

Therefore, Appellants submit that claim 11 (nor related claims 39, 67 and 95) can be anticipated by, or made obvious over, ERPNet.

Against claim 14, the Examiner's Answer alleges that ERPNet discloses sending the communication across a firewall, citing paragraph 14. However, again claim 14 does not recite merely sending a communication across a firewall. Rather, claim 14 recites forwarding the communication between particular messaging middleware components across a firewall. Appellants submit there is no disclosure in ERPNet regarding the particular messaging components or forwarding a communication between them.

Therefore, Appellants submit that claim 14 (nor related claims 42, 70 and 98) can be anticipated by, or made obvious over, ERPNet.

II. Rejection under 35 U.S.C. 102(b) over Gralla "How the Internet Works"

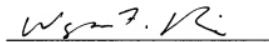
To clarify Appellant's position regarding public/private electronic environments in Gralla, Appellants submit one skilled in the art would understand that the transaction server has a public portion that is connected to the Internet, and a private portion that is connected to the bank. It is well known to use a firewall to separate the public and private portions in such cases for security of the financial institution. The order form from a user (the communication) comes into the public portion, but the credit inquiry (a separate communication) is sent from the private portion of the transaction server to the bank, which also receives the bank's response. Thus, the inquiry and response exist in the private electronic environment. Yes, the private portion of the transaction server must receive the credit card number, however, even if the number were forwarded through the firewall versus being sent as a new message through the firewall (Gralla is silent on that issue), the credit card number is only a small portion of the information received in the order form from the user. The claim does not recite routing a portion of a communication

from public to private, but routing the communication itself. Moreover, Appellants submit the response ("OK") from the bank is not returned to the public electronic environment. Rather, the transaction server simply processes the order and thanks the user. Appellants submit the order processing takes place in the private portion of the transaction server (the firewall protects this as well), and then any data needed for the order confirmation (or the confirmation itself) is sent back through the firewall to the public portion of the transaction server for providing the user with an order confirmation.

Therefore, Appellants submit that claim 1 (and related claims 29, 57 and 85) cannot be anticipated by, or rendered obvious over, Gralla.

CONCLUSION

In conclusion, Appellants submit that the claims are not anticipated by ERPNet or Gralla, and that the final Office Action rejection should be reversed in all aspects argued in the Appeal Brief and augmented in this Reply Brief.


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